

**§ 125.6 Certification requirements for exemptions.**

(a) To claim an exemption for the export of technical data under the provisions of §§ 125.4 and 125.5, an exporter must certify that the proposed export is covered by a relevant paragraph of that section. For § 125.4, certification consists of marking the package or letter containing the technical data: "22 CFR 125.4 (identify subsection) applicable." This certification must be made in written form and retained in the exporter's files for a period of five years. A Shippers Export Declaration is not required for exports of unclassified technical data (see § 123.22 (d) of this subchapter).

(b) If a District Director of Customs or Postmaster is unavailable at the time of export, or if the export is via oral, visual, or electronic means, the exporter must also complete a written certification as indicated in paragraph (a) of this section.

**§ 125.7 Procedures for the export of classified technical data and other classified defense articles.**

(a) All applications for the export or temporary import of classified technical data or other classified defense articles must be submitted to the Office of Defense Trade Controls on Form DSP-85.

(b) An application for the export of classified technical data or other classified defense articles must be accompanied by seven copies of the data and a completed Form DSP-83 (see § 123.10 of this subchapter). Only one copy of the data or descriptive literature must be provided if a renewal of the license is requested. All classified materials accompanying an application must be transmitted to the Office of Defense Trade Controls in accordance with the requirements of the Defense Industrial Security Manual (Department of Defense Manual Number 5220.22-M).

**§ 125.8 Filing of licenses for exports of unclassified technical data.**

(a) Licenses for the export of unclassified technical data must be presented to the appropriate District Director of Customs or Postmaster at the time of shipment or mailing. The District Director of Customs or Postmaster will

endorse and transmit the licenses to the Office of Defense Trade Controls in accordance with the instructions contained on the reverse side of the license.

(b) If a license for the export of unclassified technical data is used but not endorsed by U.S. Customs or a Postmaster for whatever reason (e.g., electronic transmission, unavailability of Customs officer or Postmaster, etc.), the person exporting the data must self-endorse the license, showing when and how the export took place. Every license must be returned to the Office of Defense Trade Controls when the total value authorized has been shipped or when the date of expiration has been reached, whichever occurs first.

**§ 125.9 Filing of licenses and other authorizations for exports of classified technical data and classified defense articles.**

Licenses and other authorizations for the export of classified technical data or classified defense articles will be forwarded by the Office of Defense Trade Controls to the Defense Investigative Service of the Department of Defense in accordance with the provisions of the Department of Defense Industrial Security Manual. The Office of Defense Trade Controls will forward a copy of the license to the applicant for the applicant's information. The Defense Investigative Service will return the endorsed license to the Office of Defense Trade Controls upon completion of the authorized export or expiration of the license, whichever occurs first.

**PART 126—GENERAL POLICIES AND PROVISIONS****Sec.**

- 126.1 Prohibited exports and sales to certain countries.
- 126.2 Temporary suspension or modification of this subchapter.
- 126.3 Exceptions.
- 126.4 Shipments by or for United States Government agencies.
- 126.5 Canadian exemptions.
- 126.6 Foreign-owned military aircraft and naval vessels, and the Foreign Military Sales program.
- 126.7 Denial, revocation, suspension or amendment of licenses and other approvals.